

CHRISTOPHER F. MCCrackEN, OSB #894002

chrismccracken@dwt.com

SARAH E. AMES, OSB #132675

sarahames@dwt.com

DAVIS WRIGHT TREMAINE LLP

1300 S.W. Fifth Avenue, Suite 2300

Portland, Oregon 97201

Telephone: (503) 241-2300

Facsimile: (503) 778-5299

Attorneys for Defendant Providence Health & Services – Oregon

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

COURTNEY THANANE and JONI HOWE,

Plaintiffs,

v.

**PROVIDENCE HEALTH & SERVICES –
OREGON, d.b.a., PROVIDENCE ST.
VINCENT MEDICAL CENTER,**

Defendant.

Case No. 3:13-cv-01620-MO

**FINAL JUDGMENT
(Corrected)**

On December 19, 2014, this Court heard and granted the Parties' Joint Motion for Preliminary Approval of Settlement. The Court granted that motion by Order entered December 19, 2014, Doc. # 49 (the "Preliminary Approval Order"). Among other things, the Preliminary Approval Order: granted preliminary approval of the Class Settlement as set forth in the Settlement Agreement as fair, adequate and reasonable to the Class; approved the form of the Class Notice; approved the form of the Consent to Join Form for participation in the Fair Labor Standard Act ("FLSA") portion of the Class Settlement; approved the procedures for Class Members to object to the Class Settlement; and approved the notice procedures set forth in the

Settlement Agreement. The Preliminary Order set May 1, 2015 for the date of the Final Approval Hearing. The Court later reset the Final Approval Hearing to June 12, 2015.

On June 12, 2015 this matter came before the Court for hearing for Final Approval of the Class Settlement as set forth in the Settlement Agreement. The Court has reviewed the Parties' submissions and has heard from counsel. Christopher F. McCracken appeared on behalf of defendant. Thomas Doyle appeared on behalf of the Class. No Class Member filed or served any objection to the Class Settlement. Based on the Court's file, the representations of counsel, and the Declaration of the Settlement Administrator (Doc. # 86) confirming that notice of the Class Settlement has been duly provided to the Class, it is

HEREBY ORDERED AND ADJUDGED as follows:

1. The Class defined in the Settlement Agreement is certified for settlement purposes as a class action under Federal Rule of Civil Procedure 23 and as a collective action under Section 216(b) of the FLSA.

2. The Settlement Administrator has duly and timely mailed the Class Notice and Consent to Join form to the Class Members in accordance with the terms of the Settlement Agreement, and the procedures and dates for the mailing and return of the Class Notice, Consent to Join forms, and Opt-Out Requests, and for objecting to the Settlement Agreement satisfied the requirements of due process, provided the best practicable notice under the circumstances, and constitute due and sufficient notice to all persons entitled to notice.

3. The Class Settlement as set forth in Settlement Agreement is fair, reasonable and adequate to the Class Members and is approved by the Court.

4. All Class Members as defined in the Settlement Agreement are bound by the Settlement Agreement including without limitation the release of Class Members' claims provided in Section H(1) of the Settlement Agreement, except for those Class Members who timely submitted Opt-Out Requests. The timely Opt-Out Requests are found in this Court's record at Doc. # 85.

5. All Class Members who timely returned Consent to Join forms are also parties to the FLSA collective action and are adjudicated as parties for those claims. The Consent to Join forms are found in this Court's record at Doc. # 44, pp. 17-18, and Doc. ## 56 through 83.

6. All Class Members, except those Class Members who submitted timely Opt-Out Requests, have fully, finally and completely adjudicated their claims against Defendant and the Released Parties as set forth in the Settlement Agreement, and are barred from pursuing or seeking to reopen claims for unpaid compensation (or related penalties) included in the Released Claims as that term is defined in the Settlement Agreement.

7. The Court approves the award of attorneys' fees to Class Counsel as set forth Section E(8) of the Settlement Agreement.

8. The Court approves the proposed Enhancement Award in the amount of \$7,500.00 each to Courtney Thanane and Joni Howe as the Class Representatives.

9. The Court directs the Settlement Administrator, Tilghman & Co., P.C., to disburse the settlement payments as set forth in the Settlement Agreement.

10. All claims of all Class Members asserted in this case are fully and finally adjudicated and are dismissed with prejudice and with each party responsible for its own costs, attorney fees and disbursements.

DATED this 18 day of June, 2015.



THE HONORABLE MICHAEL W. MOSMAN